

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>th</sup> STREET, NW SUITE 420  
WASHINGTON, DC 20009  
(202) 671-0550**

IN THE MATTER OF

Citizens for Empowerment, PAC  
Brett McMahon, Treasurer  
4824 Rugby Avenue  
Bethesda, MD 20814

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Docket No: 2014 P-037  
Date: January 28, 2015

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management (PIRM) Division, that pursuant to The Campaign Finance Act” (The Act), codified in DC Official Code 1-1163.09(b), Brett McMahon, treasurer for the Citizens for Empowerment, PAC failed to timely file a Receipts and Expenditure Report (hereafter R&E Report) on or before December 10, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 7, 2015 OCF ordered Brett McMahon (hereafter Respondent), to appear at a scheduled hearing on Thursday January 22, 2015 and show cause why he should not be found in violation of Title III of the “Campaign Finance Act of 2011”, and fined accordingly.

**Summary of Evidence**

Respondent did not appear for the scheduled hearing. On or about January 13, 2015 Respondent electronically filed the outstanding R&E Report. The report was filed without explanation or a written notarized affidavit.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent is the treasurer of record for the Citizens for Empowerment, PAC.
2. Respondent committee was required to file a December 10<sup>th</sup> R&E Report on or before December 10, 2014 in accordance with D.C. Official Code § 1-1163.09
3. Respondent treasurer electronically filed a December 10<sup>th</sup> R&E Report on January 13, 2015.

4. On the date the R&E Report was filed it was twenty one (21) days past due.
5. Respondent failed to contact the OCF and explain the reason(s) for the delinquent filing, and he failed to submit a written notarized affidavit with the delinquent filing.
6. Respondent committee is currently in compliance with the statute.

**Conclusions of Law**

**Based on the record provided by the OCF, I therefore conclude:**

1. Respondent PAC violated DC Official Code §1-1163.09(b).
2. The penalty established at DC Official Code §1-1163.09, §1-1163.35, 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a December 10, 2014 R&E Report is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with DC Official Code 1-1163.35 the respondent PAC may be fined a maximum of \$1,050.00 for failing to timely file a December 10, 2015 R&E Report.
4. For good cause shown pursuant to 3 DCMR 3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

**Recommendation**

Respondent has a prior history of failing to timely file R&E Reports, and when he files them he almost never provide an explanation or written affidavit with the delinquent filings. Respondent has continued that pattern and practice, and filed the December 10, 2014 R&E Report after receiving a Notice of Hearing from OCF. In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine in this matter in the amount of One Thousand Fifty Dollars (\$1,050.00).

Date

January 20, 2015

Conrad A. Muhammad  
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

January 28, 2015  
Date

William O. SanFord  
William O. SanFord  
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is One Thousand Fifty Dollars (\$1,050.00).

January 28, 2015  
Date

Cecily E. Collier-Montgomery  
Cecily E. Collier-Montgomery  
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Brett McMahon 4824 Rugby Avenue Bethesda, Maryland 20814 by regular mail, on January 28, 2015.

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NOTICE

Any party adversely affected by and order of the Director may obtain review of the order by filing with the Board of Elections and Ethics, a request for a hearing *de novo*. Pursuant to 3 DCMR §3711.5, any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, 2000 Fourteenth Street, N.W., Suite 433 Washington, DC 20009.